



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,397	07/12/2005	Shinya Kataoka	04970/0203114-US0	3077

7278 7590 05/01/2008
DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

EXAMINER

WILLIAMS, MAURICE L

ART UNIT	PAPER NUMBER
----------	--------------

3611

MAIL DATE	DELIVERY MODE
-----------	---------------

05/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,397	Applicant(s) KATAOKA ET AL.	
	Examiner MAURICE WILLIAMS	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Eggert et al. (US 6,227,320). Eggert discloses:

A push cart (**42**);

a force manipulating unit (**26**);

an applied force detector (**28**) which detects the manipulating force applied to the manipulating unit;

an operation mode selector (**30**) which decides a reference manipulating force closest to the detected manipulating force applied out of a plurality of reference manipulating forces stored in advance in correlation with a plurality of operation modes, and selects the operation mode corresponding to the decided reference manipulating force (col. 4, ln. 61-65); and

a motion control signal generator (**10**) which outputs a motion control signal for controlling the motion of the object according to the selected operation mode;

a reference manipulating force storage unit (col. 6, ln. 37-41) which stores the manipulating force as a reference manipulating force, the manipulating force according

Art Unit: 3611

to an operation mode, being detected by the applied force detector.

The applied force detector is a biaxial force sensor (col. 2, ln. 46-50).

The applied force detector includes a plurality of force sensors (col. 2, ln. 62-65)

The operation mode includes moving straight (col. 5, ln. 3-4)

The operation mode selector stores a decision region defined by a magnitude and acting direction of the force with respect to each reference manipulating force (col. 5, ln. 1-4)

The operation mode selector has a function of deciding the reference manipulating force closest to the applied manipulating force, based on a difference in direction between the acting direction of the applied manipulating force and that of the reference manipulating force (col. 2, ln. 16-18).

The operation mode selector also has a function of utilizing the magnitude and acting direction of the applied manipulating force and those of the reference manipulating force to calculate a distance in a two- dimensional space defined by the magnitude and the direction (Fig. 4; item **28**), and deciding the reference manipulating force closest to the applied manipulating force based on the length of the calculated distance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggert in view of Lathrop (US 5,524,720). Eggert discloses as discussed above, but does not directly disclose a walker. Lathrop discloses a motorized walker (**10**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Eggert as taught by Lathrop in order to help the operator walk.
5. Applicant's arguments, see Arguments/Response, filed 1/08/2008, with respect to the rejection of all claims under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.
6. Applicant's arguments with respect to the consideration of the IDS are also persuasive. The IDS, noting that all references have been considered, is attached to the present action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611

Maurice Williams
Examiner
Art Unit 3611

MLW
April 25, 2008

**/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611**